

MINUTES

SAN DIEGO COUNTY PLANNING COMMISSION

Regular Meeting – November 14, 2004

DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:04 a.m. and adjourned at 9:29 a.m.

ROLL CALL

Commissioners Present: Beck, Brooks, Kreitzer, Miller, Woods

Commissioners Absent: Day, Edwards

Advisors Present: Bunton, Taylor (OCC)

Staff Present: Pryor, Hulse, Carmichael, Laybourne, Bunne-meyer, Blackson, Fogg, Howard, Swaby, Jones (recording secretary)

1. Director's Report:

Most of the Department's resources and energy for the past two weeks have been devoted to assessing damages resulting from the County's recent fires. The Planning Commission commends Staff for their hard work and for streamlining the permitting process to help those who've been impacted.

2. Public Requests:

Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's agenda.

There were none.

3. Approval of Minutes: September 19 and October 3, 2003.

Action: Beck - Kreitzer

Approve the Minutes of September 19 and October 3, 2003, with revisions to Page 10 of the September 19, 2003 Minutes to clarify Commissioner Beck's request for implementation of a monitoring and mitigation plan, and corrections to Page 1 and 4 of the October 3, 2003 Minutes to reflect the absence of Commissioner Woods.

Ayes: 5 - Beck, Brooks, Kreitzer, Miller, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 2 - Day, Edwards

4. Bark and Bustos, Administrative Appeal (AA) 03-002, Julian Community Planning Area

Appeal of the Director of Planning and Land Use's decision to require a Major Use Permit for a radio transmitting facility consisting of four 60-foot tall towers and a small equipment building on a 180 X 180 square-foot area in the M54 General Impact Industrial Use Zone at 3568 Highway 8 in the Julian Community Planning Area. Because this is an Administrative Appeal, there is no specific project or Major Use Permit application to be heard before the Commission at this hearing.

Staff Presentation: Howard

Proponents: 1; **Opponents:** 0

Discussion:

Staff summarizes the actions that have lead to today's appeal, and reminds the Commission that the Major Use Permit is not being considered today. The appellant does not believe a Major Use Permit is necessary, and does not believe the Zoning Ordinance is correct. He insists that Staff's decision is arbitrary and the requirement for a Major Use Permit is abusive. Staff explains that the proposed use is defined as a Major Impact Service and Utilities use, per the Zoning Ordinance, and is located in the M54 zone. Staff believes four 60-foot tall towers could create visual impacts and is incompatible with the surrounding community. The Julian Planning Group has indicated support of Staff's requirement for a Major Use Permit.

County Counsel reminds the Commission that the appeals court has affirmed the trial court's decision denying the appellant's lawsuit. The appellant didn't prove to the court that the requirement for the Major Use Permit is abusive, arbitrary or unreasonable. The appellant's representative also informs the Commission that the court returned with this verdict because the appellant failed to exhaust the County's administrative appeal process prior to going to court. He informs the Commission that Staff has been very helpful and professional throughout the process.

Following this discussion, Commissioner Kreitzer notes that the Commission has no choice but to deny the appeal and adopt Staff's decision.

Action: Kreitzer – Beck

Deny Administrative Appeal (AA) 03-002, and adopt the Form of Decision of the Planning Commission dated November 14, 2003.

Ayes:	5 -	Beck, Brooks, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	0 -	None

Appeals:

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AA 03-002:

Absent: 2 - Day, Edwards

P02-024:

5. Terry Brown, Major Use Permit P02-024, Central Mountain Subregional Plan Area

Proposed Major Use Permit to allow the establishment of a private eight-plot cemetery on Rancho Samagatuma. Rancho Samagatuma consists of 1,763 acres and only a small area of 324 square feet is devoted as burial area. The eight plots are specifically designated for the owner's family members. The proposed private cemetery will be located approximately half a mile north of Old Highway 80 on Parcel 407-140-01-00.

Staff Presentation: Bunnemeyer

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Kreitzer

Grant Major Use Permit P02-024, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with The Zoning Ordinance.

Ayes:	5 -	Beck, Brooks, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	2 -	Day, Edwards

GPC 03-33:

6. Poway Unified School District, General Plan Conformance (GPC) 03-33, San Dieguito Community Planning Area

Proposal to acquire a site within the northern portion of the 4S Ranch Specific Plan area for construction of a new 700-student elementary school. The Board of Supervisors originally identified the elementary school site as parcel 39 in the 4S Ranch Specific Plan adopted in November, 1998. In order to promote the safety of pupils and comprehensive community planning, the State Public Resources Code (Section 21151.2) requires the School District to submit sites for review by the Planning agency to ensure that the proposed use is consistent with public planning policies. The proposed acquisition is subject to review for General Plan conformance relative to its purpose, location and extent.

Staff Presentation: Swaby

Proponents: 0; **Opponents:** 0

This Item was approved on consent.

Action: Kreitzer – Brooks

1. Find, pursuant to Section 21151.2 of the State Public Resources Code, that the proposed acquisition of the project site for the purpose of siting an elementary school is found to be consistent with the General Plan considering the promotion of safety of pupils and comprehensive community planning and direct Staff to submit a written report with this Finding to the governing board of the School District; and
2. Find, pursuant to Government Code Section 65402, that the acquisition of the proposed site for the purpose of siting an elementary school is in conformance with the adopted General Plan, specifically regarding the location, purpose and extent of such acquisition.

Ayes:	5 -	Beck, Brooks, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	2 -	Day, Edwards

7. Report on actions of Planning Commission's Subcommittees.

There were none.

8. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

None.

9. Discussion of correspondence received by the Planning Commission:

There was none.

10. Scheduled Meetings:

October 17, 2003	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
November 14, 2003	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
December 12, 2003	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
December 26, 2003	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
January 9, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
January 23, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
February 6, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
February 20, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
March 5, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
March 19, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
April 2, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
April 16, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
April 30, 2004	Planning Commission Workshop, DPLU Hearing Room, 9:00 a.m.
May 14, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
May 28, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
June 11, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
June 25, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.

There being no further business to be considered at this time, the Chairperson adjourned the meeting at 9:29 a.m. to 9:00 a.m. on December 12, 2003 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.